

REMARKS

Claims 1-51 were presented for examination and were pending in this application. In an Official Action dated March 3, 2005, claims 1-51 were rejected. Applicants thank Examiner for providing an interview with Applicants' representative on June 2, 2005, and addresses Examiner's comments below. The remarks below serve as Applicants' summary of relevant portions of this interview in accordance with MPEP §713.04. Based on the above Amendment and the following Remarks, Applicants respectfully request that Examiner reconsider all outstanding rejections, and withdraw them.

Applicants herein cancel claims 26-51 and add claims 52-66. Support for the new claims can be found, for example, at pp. 11:26-12:13 (claims 52-53, 65-66) and pp. 7:28-14:9 (claims 54-64) of the specification. These changes are believed not to introduce new matter, and their entry is respectfully requested. In making these amendments, Applicants have not and do not narrow the scope of the protection to which Applicants consider the claimed invention to be entitled and do not concede that the subject matter of such claims was in fact disclosed or taught by the cited prior art. Rather, Applicants reserve the right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

In the present office action, Examiner rejected claims 1-51 under 35 USC § 103(a) as allegedly being unpatentable in view of U.S. Patent No. 5,855,066 ("Huemoeller") and a publication entitled "Contacts for the Web and Desktop" ("Borden"). Applicants respectfully maintain that original claims 1-25 and new claims 52-67 are patentable over these references because the references, alone or in combination, do not disclose or suggest the claimed subject matter.

Claim 1 of the current application recites an event planning process executed by a server system in a computer network. The process comprises providing an event planning graphical user interface that enables a user to plan an event, and receiving event information input by the user that indicates a scheduled event, an invitee to be invited to the event, and information indicative of RSVP fees required to attend the scheduled event. An invitation including information about the RSVP fees is provided to the invitee. A response is solicited and an affirmative response requires a payment. Payment information is received from the invitee and verified. The ability to receive fee information from a user and provide it to an invitee, and in turn, to receive and verify payment information from the invitee, significantly eases the administrative burden associated with planning an event for which a RSVP fee is required. Independent claim 60 recites a computer product program that carries out a similar process.

The disclosure or suggestion of "RSVP fees" as claimed in independent claims 1 and 60 is wholly missing from either of the references, alone or in combination. Huemoeller describes a personal scheduling system that "allows a user to schedule activities without requiring access to other sources of information." (Abstract) The system in Huemoeller is meant to be "personal," that is used by a single person, and does not include or contemplate use of the system to send invitations to other parties. Borden discloses "a basic group-scheduling feature" that allows a user to send an invitation email. A recipient of the invitation can accept the invitation and an appointment is inserted into the recipient's electronic calendar. Neither Huemoller or Borden discloses or suggests the concept of RSVP fees in connection with an invitation as claimed. At best their combination results in a personal scheduling system that includes a feature in which a user can send the invitation email disclosed in Borden. The element of "RSVP fees" as claimed is still wholly absent.

During the interview of June 2, 2005, Examiner admitted that this element was missing from the cited references and asserted that it was well known in the art to require a fee when requesting an RSVP, of which she was taking Official Notice. Even assuming *arguendo* that Official Notice was properly taken by the Examiner, the combination still falls short because there is no motivation or suggestion to modify the cited arts and Official Notice to specifically achieve “RSVP fees” that can be electronically solicited, provided, and verified as per the claimed invention. Furthermore, Examiner’s assertion that it would have been obvious “to have included requiring a payment because such a modification would allow the user to obtain finance in advance for the event” is simply too general and vague to disclose or suggest the specifically claimed elements. A general statement of an objective by itself does not provide a specific motivation to modify the references to achieve the claimed invention as cited required for a *prima facie* case of obviousness.

In the future, if Examiner maintains this rejection, Applicants respectfully request that Examiner clearly articulate the subject matter of the Official Notice. Furthermore, Applicants request that Examiner provide a reference and/or an affidavit proving that the matters of which the Examiner has taken Official Notice are “capable of such instant and unquestionable demonstration as to defy dispute,” as required by MPEP 2144.03.

In addition, original claim 18 recites “prompting the user to indicate ticket pricing information indicating a price of at least one type of ticket being offered for admission to said scheduled event, and further comprising a step of determining convenience fees to be paid to administrators of the server system based on sales of said tickets to said invitees.” Original claim 19 further refines this by specifying that “event information provided by said user indicates whether said convenience fees are to be paid from proceeds of ticket sales, or whether said convenience fees are to be passed on to said invitees.” Examiner’s general rejection of “RSVP fees” as recalled above is unresponsive to these dependent claim

elements. Applicants' representative has looked throughout the Office Action and see no acknowledgement of either of these elements much less any suggestion of these elements in the cited art, or other art or Notice render it unpatentable. Even assuming *arguendo* that the substance of Examiner's rejection is taken at face value, no basis has been yet given for the rejection of these claims. Applicants request that Examiner clarify or withdrawal of these rejections.

Furthermore, new claims 52-53 and 65-66 recite the step or instructions for "linking to a payment processor system to verify the payment information." New claims 54-57 and 60-67 recite instructions "for storing RSVP fee information in a database." New claims 61-65 recite various graphical user interfaces for specifying or specifying fee information. None of these newly claimed elements are disclosed or suggested in the cited arts and, Applicants assert, the claims are patentable over them.

Applicants respectfully submit that for at least the reasons described above, independent claims 1 and 60, and the claims that depend on them as presented herein are patentably distinguishable over the cited references and Examiner's Official Notice. Therefore, Applicants request reconsideration of the basis for the rejections to these claims and request allowance of them. In addition, Applicants respectfully invite Examiner to contact Applicants' representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

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Respectfully Submitted,
Justin T. Nguyen, et. al.

Date: 6/3/05

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AMENDMENT B

Applicant: Justin T. Nguyen et al.
 App. No.: 10/785,382
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 Atty. Dkt. No. 22950-08898

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